IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION

BRENT A. ROWAN,   )
)
        Plaintiff,   )
)
vs.   )   No. 2:14-cv-2527-JDT-cgc
)
ALLIANCE HEALTHCARE   )
SERVICES,   )
)
        Defendant.   )

REPORT AND RECOMMENDATION

On July 8, 2014, Plaintiff Brent A. Rowan, a resident of Memphis, Tennessee, filed a pro se complaint pursuant to 28 U.S.C. § 1983. (D.E.# 1.) However, Plaintiff neglected to pay the $400.00 civil filing fee or submit a properly completed application to proceed in forma pauperis.

In an order issued on February 2, 2015, the Court ordered the Plaintiff to file a properly completed application to proceed *in forma pauperis* or pay the appropriate civil filing fee within thirty (30) days of the entry of the order. (D.E. # 3) Plaintiff has not complied with that order and the time set for compliance has expired[1].

The February 2, 2015 Order provided, in pertinent part, that "[f]ailure to comply with this order in a timely manner will result in dismissal of this action… pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute." *Id.* See also, *Taman v. Chertoff, et al*, 07-cv-2247-SHM-dkv, Order of Dismissal (D.E. # 4) April 30, 2008. It is therefore RECOMMNDED that Plaintiff's complaint

---

[1] The February 2, 2015 Order and AO 239-IFP Non-Prisoner Form were mailed to Plaintiff at the address listed on the Complaint. The Order and IFP form were returned as undeliverable on February 25, 2015. (D.E. # 4) Plaintiff has not provided the Clerk of Court with a new address.

be DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 30th day of March, 2015.

                                            s/ Charmiane G. Claxton
                                            CHARMIANE G. CLAXTON
                                            UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.